

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-00607-GCM-DCK**

CATLIN SPECIALTY INSURANCE)
COMPANY,

Plaintiffs,)

v.)

TEGOL, INC.)

HELMET VENTURE, INC.

JAFRUM INTERNATIONAL, INC.,

Defendants.)

ORDER

THIS MATTER is before the Court upon Third Party Defendant Consolidated Marking Group, Inc. D/B/A Charlotte Insurance's Motion for Judgment on the Pleadings (Doc. No. 25). On September 14, 2015, Magistrate Judge David Keesler issued a Memorandum and Recommendation recommending that this Court deny the Motion as moot because the Amended Third Party Complaint would supersede the Complaint on which the Motion was based. (Doc. No. 37) No objections were filed. This civil action was stayed between October 7, 2015 and February 16, 2016, but on February 7, 2016 Judge Keesler denied the parties' Joint Motion for Extension of Temporary Stay. (Doc. No. 45) For the reasons set forth below, the Court **ACCEPTS and ADOPTS** the Memorandum and Recommendation.

The Federal Magistrate Act provides that "a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Canby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the

record in order to accept the recommendation.”” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee Note). Here, no party filed an objection to the Memorandum and Recommendation, and the time for doing so has expired.

Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge’s findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the Memorandum and Recommendation is hereby **ACCEPTED and ADOPTED**. Third Party Defendant Consolidated Marking Group, Inc. D/B/A Charlotte Insurance’s Motion for Judgment on the Pleadings is **DENIED AS MOOT**. (Doc. No. 25)

SO ORDERED.

Signed: March 7, 2016



Graham C. Mullen
United States District Judge

